IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

Bail Appl..No. 6247 of 2007()

CRIME NO.110/06 OF CB CID, KOZHIKODE.

PETITIONER/ACCUSED NO.2

ABDUL NAZAR, S/O. ABU, AGED 30 YEARS,
VALIYADATH VEEDU, NALLUR AMSOM, FEROKE DESOM,
KOZHIKODE TALUK.

BY ADV. SMT.LATHA PRABHAKARAN

RESPONDENTS: COMPLAINANT - STATE

STATE OF KERALA, REP. BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 6247 of 2007

Dated this the 11th day of October, 2007

ORDER

Application for regular bail. The petitioner is the 2nd accused. Altogether, there are three accused persons. Accused 1 and 3 are the mother and the sister of the petitioner. The gravamen of the allegations against the accused persons is that they run an unauthorised telephone exchange causing huge loss to the Government. The allegations are raised, inter alia, under Secs.420 and 120B of the IPC which are the only non-bailable offences alleged. The allegations are also raised under the Indian Telegraph Act. The petitioner surrendered and remains in custody from 27/9/07. The co-accused have already been enlarged on bail.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. V The allegation of cheating is not sustainable. In addition to the allegation under the Indian Telegraph Act, a sweeping allegation is raised on

the premise that the government has suffered loss on account of the alleged running of the private telephone exchange.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can now be enlarged on bail subject to appropriate terms and conditions.

3. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall surrender his passport before the learned Magistrate.

(iii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and

Fridays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

4. Hand over a copy of this order to the learned counsel for the petitioner.

(R. BASANT, JUDGE)

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